

Note on Meeting with David Campbell, Human Rights Policy Department, FCO, 28.5.98

Present: David Campbell, HRPD/FCO, Alice Jay, Catherine Scott, CIIR

Background: CIIR requested a meeting with the FCO HRPD in follow up to the Commission on Human Rights in Geneva in March/April because we felt that undertakings given by the HRPD on behalf of EU Policy were not reflected in the outcomes of negotiations on both Colombia and East Timor.

East Timor

As David Campbell was personally involved in the negotiations on the East Timor statement, he was able to give a full account of events as they proceeded.

CIIR complained that the UK presidency had given early indications that it would be promoting a strong resolution on East Timor at CHR 54, but that this had not been the outcome, and that NGOs had not been informed of the change of policy.

Campbell said that there was early agreement in the EU on the text of the resolution draft - that it would not change widely from last year's. As far as process is concerned, a resolution could founder should the country which is the subject of an initiative by the EU want to negotiate seriously. There are good human rights reasons for this, and UN processes are after all not an end in themselves - they aim to change the human rights situation on the ground. Any outcome which furthers engagement with UN HR machinery is therefore to be welcomed. It would be disastrous for the EU if a third country were to exploit to the full the fact that the EU was *not* prepared to discuss HRs seriously with them. But last year it was the case that the Indonesians would not negotiate seriously with the Dutch presidency.

10 days before the HR commission began, simultaneous meetings took place in London, (SEAsia dept & HRPD + Indonesian Embassy) Jakarta (Foreign ministry and UK Embassy) and Geneva (Indonesian Ambassador to UN + Audrey Glover, leader of the British delegation at CHR). The clear message coming out at that time was that Indonesia would not be prepared to negotiate, that they did not want a resolution or a chairman's statement and that they counted on the British as EU president to get them off the hook. The reasons given were that they had enough problems with the economic crisis, and did not want to be 'kicked while they were down'. The message back from the UK presidency was that there would be a resolution, but that they were open to negotiations in Geneva.

This remained the case for the first week of the commission. The Indonesian ambassador to the UN indicated that he would like to discuss with the UK whether the resolution would go ahead. The UK replied that they would be going ahead with it, but if Indonesia wanted to negotiate seriously on a chairman's statement they would consider it provided that it included firm and specific, time-bound commitments; that therefore the statement would have to be much stronger than the 1996 one. Contacts carried on, but each side restated their positions.

The EU meanwhile, continued with the draft resolution, shared it with co-sponsors, text was agreed by 2nd week of commission. Then the Indonesians indicated that their political director would be visiting from Jakarta, after ASEM in Week 4 of the commission. Audrey Glover and David Campbell met with him. The official repeated all the points that other Indonesian officials raised before the start of the commission - there was no meeting of minds. Campbell thought it was the end of discussions. The EU then discussed the situation, and set out the elements which would be required for a serious negotiation. Very little happened.

By week 5 of the commission the Indonesian delegation began to relent and to talk in more detail. The British were insisting on specific commitments to CHR mechanisms, not like 1996, and specific time frames. A relevant rapporteur would have to go at the earliest opportunity. UK said it had to be specified before the next CHR. The Indonesians indicated that they would be prepared to invite the special rapporteur on religious intolerance, without indicating a time frame, but perhaps in 1999. The British countered with three other possibilities - rapporteurs on Torture, extra-judicial executions, or the Working Group on Arbitrary Detentions.

By Week 6, Jakarta was indicating that it would relent on the time-factor, i.e. that a rapporteur would be invited before the next CHR but it had to be a relevant rapporteur. UK stuck to its guns on the three

listed above. The text was only finalised on the Wednesday of week 6 of the commission, two days before the end.

Other elements in the text

Another element contained in the text of the declaration was the memorandum of understanding (between the UN High Commissioner for Human Rights and the GoI). There had been contacts made with the HC's office, and negotiations were underway between Mary Robinson and the GoI. The same message was coming from both: that some important points were about to be clarified. But Mary Robinson had clarified that the MOU was about '*Technical cooperation*' on human rights, not monitoring. The GoI did not want a reference to access to East Timor for a programme officer attached to UNDP in the MOU, a point which Mary Robinson seemed prepared to concede. Indonesia said that they would give a separate agreement on this point. These negotiations were separate from the EU negotiations on the consensus statement, but there had been a reference to the MOU in the 1996 chairman's statement and access for a programme officer of UNDP to East Timor. The UK was looking for ways of getting improvements out of this for the negotiated statement. The High Commissioner had not insisted on the programme officer and the GoI was pleased. They would be therefore unwilling to concede the point to the UK. Again on this point they only relented on the Wednesday before the end of CHR54.

Indonesia was insisting on much more 'welcoming' language on things that they considered they had achieved. They pressed on this, but the UK did not concede. GoI did not want language on detainees. UK decided to insist on it. (Para 3).

GoI wanted a reference welcoming their 'plan of action' on human rights and their intention to ratify the Convention against Torture'. This they got.

EU Unity

According to Campbell, the UK delegation reported back to EU partners at every stage of the negotiation, and said that it would go for the statement if the four areas alluded to could be highlighted in the text. The Portuguese particularly were kept fully in touch with developments. The final draft went to Lisbon for ministerial approval. It also had to go back to Jakarta. Text only agreed late on Wednesday. All the time, the UK would have reinstituted the resolution if this text had run aground.

In summary, the negotiations were long-drawn out and difficult. The British delegation fully expected up to the last minute still to be tabling the resolution, as they did not believe that Indonesia would make the concessions they had asked for. Every concession was wrung out of them. The UK considers that the statement does pin Indonesia down. The Portuguese were fully on board with it, and even went on TV in Geneva to say so.

CIIR's interpretation

Mr Campbell was clearly very proud of his work, and believed that a good declaration had been achieved, and that this would be more use to them in pressuring Indonesia than a chairmans's statement. (We also got this line from the Portuguese Embassy in London.)

When we suggested that *politically*, it might have been unwise for the EU to have been giving the Suharto regime such support at this time, Campbell said that we were unfairly resorting to the benefit of hindsight and that major changes did not take place in Indonesia until May (?).

We suggested that the writing had been on the wall for Suharto as early as January.

Mr Campbell seemed unaware that Junior FCO Minister Derek Fatchett had been in Jakarta that morning (on a trip to rescue business deals which have been concluded by British firms such as Thames Water through contacts with the first family, and which are now subject to cancellation) and had called for the release of Xanana. We were left with the impression that HRPD take their political line from the FCO desk, and are engaged foremost in the technicalities of negotiation, as far as the CHR is concerned.

Mr Campbell appeared genuinely, almost to the end of the commission, to believe that the chairman's statement would not succeed, and that the resolution would go through. This is why the HRPD had appeared to dupe the NGOs and East Timorese resistance representatives, and give assurances which were not borne out in practice.